

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Natural Resources, Fish, and Wildlife to which was
3 referred Senate Bill No. 285 entitled “An act relating to universal recycling
4 requirements” respectfully reports that it has considered the same and
5 recommends that the House propose to the Senate that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 * * * Solid Waste Management Facility Requirements * * *

9 Sec. 1. 10 V.S.A. § 6605 is amended to read:

10 § 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

11 (a)(1) No person shall construct, substantially alter, or operate any solid
12 waste management facility without first obtaining certification from the
13 Secretary for such facility, site, or activity, except for sludge or septage
14 treatment or storage facilities located within the fenced area of a domestic
15 wastewater treatment plant permitted under chapter 47 of this title. This
16 exemption for sludge or septage treatment or storage facilities shall exist
17 only if:

18 (A) the treatment facility does not ~~utilize~~ use a process to ~~further~~
19 reduce pathogens further in order to qualify for marketing and distribution; and

20 (B) the facility is not a drying bed, lagoon, or nonconcrete
21 bunker; and

1 (C) the owner of the facility has submitted a sludge and septage
2 management plan to the Secretary and the Secretary has approved the plan.
3 Noncompliance with an approved sludge and septage management plan shall
4 constitute a violation of the terms of this chapter, as well as a violation under
5 chapters 201 and 211 of this title.

6 (2) Certification shall be valid for a period not to exceed 10 years.

7 * * *

8 (b) Certification for a solid waste management facility, where appropriate,
9 shall:

10 * * *

11 (3)(A) Specify the projected amount and types of waste material to be
12 disposed of at the facility, which, in case of landfills and incinerators, shall
13 include the following:

14 (A)(i) if the waste is being delivered from a municipality that has an
15 approved implementation plan, hazardous materials and recyclables shall be
16 removed from the waste according to the terms of that implementation plan;

17 (B)(ii) except as provided in subdivision (B) of this subdivision (3), if
18 the waste is being delivered from a municipality that does not have an
19 approved implementation plan, leaf and yard residuals shall be removed from
20 the waste stream, and 100 percent of each of the following shall be removed

1 from the waste stream: mandated recyclables, hazardous waste from
2 households, and hazardous waste from small quantity generators.

3 (B) If waste delivered to the facility is process residuals from a
4 material recovery facility, the facility receiving the waste shall not be required
5 to remove 100 percent of mandated recyclables from the process residuals if
6 the facility receiving the waste has a plan approved by the Secretary to remove
7 mandated recyclables from the process residuals to the maximum extent
8 practicable.

9 * * *

10 (j) A facility certified under this section that offers the collection of
11 municipal solid waste shall:

12 (1) Beginning on July 1, 2014, collect mandated recyclables separate
13 from other solid waste and deliver mandated recyclables to a facility
14 maintained and operated for the management and recycling of mandated
15 recyclables. A facility shall not be required to accept mandated recyclables
16 from a commercial hauler.

17 (2) Beginning on July 1, 2015, collect leaf and yard residuals between
18 April 1 and December 15 separate from other solid waste and deliver leaf and
19 yard residuals to a location that manages leaf and yard residuals in a manner
20 consistent with the priority uses established under subdivisions 6605k(a)(3)-(5)
21 of this title.

1 (3) Beginning on July 1, 2017, collect food residuals separate from other
2 solid waste and deliver food residuals to a location that manages food residuals
3 in a manner consistent with the priority uses established under subdivisions
4 6605k(a)(2)-(5) of this title.

5 * * *

6 * * * Commercial Hauler Requirements * * *

7 Sec. 2. 10 V.S.A. § 6607a is amended to read:

8 § 6607a. WASTE TRANSPORTATION

9 (a) A commercial hauler desiring to transport waste within the State shall
10 apply to the Secretary for a permit to do so; by submitting an application on a
11 form prepared for this purpose by the Secretary and by submitting the
12 disclosure statement described in section 6605f of this title. These permits
13 shall have a duration of five years and shall be renewed annually. The
14 application shall indicate the nature of the waste to be hauled. The Secretary
15 may specify conditions that the Secretary deems necessary to assure
16 compliance with State law.

17 (b) As used in this section:

18 (1) “Commercial hauler” means:

19 (A) any person that transports regulated quantities of hazardous
20 waste; and

1 (B) any person that transports solid waste for compensation in a
2 vehicle.

3 (2) The commercial hauler required to obtain a permit under this section
4 is the legal or commercial entity that is transporting the waste, rather than the
5 individual employees and subcontractors of the legal or commercial entity. In
6 the case of a sole proprietorship, the sole proprietor is the commercial entity.

7 (3) The Secretary shall not require a commercial hauler to obtain a
8 permit under this section, comply with the disclosure requirements of this
9 section, comply with the reporting and registration requirements of section
10 6608 of this title, or pay the fee specified in 3 V.S.A. § 2822, if:

11 (A) the commercial hauler does not transport more than four cubic
12 yards of solid waste at any time; and

13 (B) the solid waste transportation services performed are incidental to
14 other nonwaste transportation-related services performed by the commercial
15 hauler.

16 * * *

17 (g)(1) Except as set forth in subdivisions (2), (3), and (4) of this subsection,
18 a commercial hauler that offers the collection of municipal solid waste ~~shall~~:

19 (A) Beginning on July 1, 2015, shall offer to collect mandated
20 recyclables ~~separated~~ separate from other solid waste and deliver mandated

1 recyclables to a facility maintained and operated for the management and
2 recycling of mandated recyclables.

3 (B) Beginning on July 1, 2016, may offer to collect leaf and yard
4 residuals separate from other solid waste and deliver leaf and yard residuals to
5 a location that manages leaf and yard residuals in a manner consistent with the
6 priority uses established under subdivisions 6605k(a)(3)-(5) of this title.

7 (C) Beginning on July 1, 2018, 2019, in areas designated as high
8 housing density under subdivision 123(c)(13) of this title, offer collection of
9 food residuals separate from other solid waste and deliver to a location that
10 manages food residuals in a manner consistent with the priority uses
11 established under subdivisions 6605k(a)(2)-(5) of this title.

12 (2) In a municipality that has adopted a solid waste management
13 ordinance addressing the collection of mandated recyclables, leaf and yard
14 residuals, or food residuals, a commercial hauler in that municipality is not
15 required to comply with the requirements of subdivision (1) of this subsection
16 and subsection (h) of this section for the material addressed by the ordinance if
17 the ordinance:

18 (A) is applicable to all residents of the municipality;

19 (B) prohibits a resident from opting out of municipally provided solid
20 waste services; and

1 (C) does not apply a variable rate for the collection for the material
2 addressed by the ordinance.

3 (3) A commercial hauler is not required to comply with the requirements
4 of subdivision (1)(A), ~~(B)~~, or ~~(C)~~ of this subsection in a specified area within a
5 municipality if:

6 (A) the Secretary has approved a solid waste implementation plan for
7 the municipality;

8 (B) for purposes of waiver of the requirements of subdivision (1)(A)
9 of this subsection (g), the Secretary determines that under the approved plan:

10 (i) the municipality is achieving the per capita disposal rate in the
11 State Solid Waste Plan; and

12 (ii) the municipality demonstrates that its progress toward meeting
13 the diversion goal in the State Solid Waste Plan is substantially equivalent to
14 that of municipalities complying with the requirements of subdivision (1)(A)
15 of this subsection (g);

16 (C) the approved plan delineates an area where solid waste
17 management services required by subdivision (1)(A), ~~(B)~~, or ~~(C)~~ of this
18 subsection (g) are not required; and

19 (D) in the delineated area, alternatives to the services, including on-
20 site management, required under subdivision (1)(A), ~~(B)~~, or ~~(C)~~ of this
21 subsection (g) are offered, the alternative services have capacity to serve the

1 needs of all residents in the delineated area, and the alternative services are
2 convenient to residents of the delineated area.

3 (4) A commercial hauler is not required to comply with the requirements
4 of subdivision (1)(A), ~~(B)~~, or ~~(C)~~ of this subsection for mandated recyclables,
5 or leaf and yard residuals, or food residuals collected as part of a litter
6 collection.

7 * * *

8 (i) A commercial hauler that operates a bag-drop or fast-trash site at a fixed
9 location to collect municipal solid waste shall offer at the site all collection
10 services required under 10 V.S.A. § 6605(j).

11 **Sec. 3. 10 V.S.A. § 123(c) is amended to read:**

12 **(c) Within the limits of available resources, the Center shall operate a**
13 **program of standards development, data dissemination, and quality assurance,**
14 **and shall perform the following duties:**

15 **(1) Provide or ensure provision of geographic information products and**
16 **services to Vermont citizens, to local and regional planning organizations, to**
17 **State government, to the federal government, and to private businesses and**
18 **industries.**

19 **(2) Develop procedures for access to the VGIS. Those procedures shall**
20 **ensure that VGIS data are readily available for the purposes of 24 V.S.A.**
21 **chapter 117, as well as for the support of efficient and economical geographic**

1 analysis and decision making by government, business, and citizens of
2 Vermont, at a reasonable cost and in reasonable forms.

3 (3) Develop, publish, maintain, and implement such VGIS standards as
4 are necessary to assure that data are compatible with, useful to, and shared with
5 all users of VGIS data, including geographic data standards relating to scale,
6 accuracy, coding, documentation, data format, and physical media.

7 * * *

8 (13) Annually, develop and publish a map of the areas of high housing
9 density in the State. The map shall include a listing of municipalities and the
10 street names and address ranges that are located in each area of high housing
11 density. The Center shall provide the map to the Secretary of Natural
12 Resources annually on or before January 15 for posting on the Agency of
13 Natural Resources' website. As used in this subdivision, "area of high housing
14 density" means an area in the State in which the density of residential housing
15 units is 250 or more residential housing units per square mile.

16 * * * Food Residual Management * * *

17 Sec. 4. 10 V.S.A. § 6605k(b) is amended to read:

18 (b) A person who produces more than an amount identified under
19 subsection (c) of this section in food residuals ~~and is located within 20 miles of~~
20 ~~a certified organics management facility that has available capacity and that is~~
21 ~~willing to accept the food residuals shall:~~

1 (1) ~~Separate~~ separate food residuals from other solid waste, provided
2 that a de minimis amount of food residuals may be disposed of in solid waste
3 when a person has established a program to separate food residuals and the
4 program includes a component for the education of program users regarding
5 the need to separate food residuals; and

6 (2) ~~Arrange~~ arrange for the transfer of food residuals to a location that
7 manages food residuals in a manner consistent with the priority uses
8 established under subdivisions (a)(2)-(5) of this section or shall manage food
9 residuals on site.

10 * * * Landfill Disposal * * *

11 Sec. 5. 10 V.S.A. § 6621a is amended to read:

12 § 6621a. LANDFILL DISPOSAL REQUIREMENTS

13 (a) In accordance with the following schedule, no person shall knowingly
14 dispose of the following materials in solid waste or in landfills:

15 * * *

16 (10) Leaf and yard residuals and wood waste after July 1, 2016.

17 * * *

1 * * * Unclaimed Beverage Container Deposits * * *

2 Sec. 6. 10 V.S.A. § 1530 is added to read:

3 § 1530. ABANDONED BEVERAGE CONTAINER DEPOSITS; DEPOSIT
4 TRANSACTION ACCOUNT; BEVERAGE REDEMPTION FUND

5 (a) As used in this section, “deposit initiator” means the first distributor or
6 manufacturer to collect the deposit on a beverage container sold to any person
7 within the State.

8 (b) A deposit initiator shall open a separate interest-bearing account in a
9 Vermont branch of a financial institution to be known as the deposit
10 transaction account. The deposit initiator shall keep the deposit transaction
11 account separate from all other revenues and accounts.

12 (c) Beginning on July 1, 2019, each deposit initiator shall deposit in its
13 deposit transaction account the refund value established by section 1522 of this
14 title for all beverage containers sold by the deposit initiator. The deposit
15 initiator shall deposit the refund value for each beverage container in the
16 account not more than three business days after the date on which the beverage
17 container is sold. All interest, dividends, and returns earned on the deposit
18 transaction account shall be paid directly to the account. The deposit initiator
19 shall pay all refunds on returned beverage containers from the deposit
20 transaction account.

1 (d) Beginning on October 10, 2019, and quarterly thereafter, every deposit
2 initiator shall report to the Secretary of Natural Resources and the
3 Commissioner of Taxes concerning transactions affecting the deposit
4 initiator's deposit transaction account in the preceding quarter. The deposit
5 initiator shall submit the report on a form provided by the Commissioner of
6 Taxes. The report shall include:

7 (1) the balance of the account at the beginning of the preceding quarter;

8 (2) the number of beverage containers sold in the preceding quarter and
9 the number of beverage containers returned in the preceding quarter;

10 (3) the amount of beverage container deposits received by the deposit
11 initiator and deposited into the deposit transaction account;

12 (4) the amount of refund payments made from the deposit transaction
13 account in the preceding quarter;

14 (5) any income earned on the deposit transaction account in the
15 preceding quarter;

16 (6) any other transactions, withdrawals, or service charges on the
17 deposit transaction account from the preceding quarter; and

18 (7) any additional information required by the Commissioner of Taxes.

19 (e)(1) On or before October 10, 2019, and quarterly thereafter, each deposit
20 initiator shall remit from its deposit transaction account to the Commissioner
21 of Taxes any abandoned beverage container deposits from the preceding

1 quarter. The amount of abandoned beverage container deposits for a quarter is
2 the amount equal to the amount of deposits that should be in the deposit
3 transaction account less the sum of:

4 (A) income earned on amounts on the account during that
5 quarter; and

6 (B) the total amount of refund value paid out by the deposit initiator
7 for beverage containers during that quarter.

8 (2) In any calendar quarter, the deposit initiator may submit to the
9 Commissioner of Taxes a request for reimbursement of refunds paid under this
10 chapter that exceed the funds that are or should be in the deposit initiator's
11 deposit transaction account. The Commissioner of Taxes shall pay a request
12 for reimbursement under this subdivision from the funds remitted to the
13 Commissioner under subdivision (1) of this subsection, provided that:

14 (A) the Commissioner determines that the funds in the deposit
15 initiator's deposit transaction action are insufficient to pay the refunds on
16 returned beverage containers; and

17 (B) a reimbursement paid by the Commissioner to the deposit
18 initiator shall not exceed the amount paid by the deposit initiator under
19 subdivision (1) of this subsection (e) in the preceding 12 months less amounts
20 paid to the initiator pursuant to this subdivision (2) during that same 12-month
21 period.

1 (f) The Secretary of Natural Resources may prohibit the sale of a beverage
2 that is sold or distributed in the State by a deposit initiator who fails to comply
3 with the requirements of this chapter. The Secretary may allow the sale of a
4 beverage upon the deposit initiator’s coming into compliance with the
5 requirements of this chapter.

* * * Effective Dates * * *

Sec. 7. EFFECTIVE DATES

8 (a) This section and Secs 1 (solid waste facilities), 2 (commercial haulers),
9 3 (VCGIS), 5 (landfill disposal), and 6 (beverage container; escheats) shall
10 take effect on passage.

11 (b) Sec. 4 (food residuals) shall take effect on July 1, 2020.

(Committee vote: _____)

Representative _____

FOR THE COMMITTEE